

**BRISTOL CITY COUNCIL**

**Human Resources Committee**

**14 May 2009**

**Report of:** (Designate) Service Director: Strategic HR/Workforce Strategy

**Title:** Creation of Joint Consultative Board for Employee Relations

**Ward:** City Wide

Officer Presenting Report: Jill Mikkelson, HR Manager  
Rachel Yabsley, ER Manager

Contact Telephone Number: 903 6736 / 922 2215

**RECOMMENDATION**

The Committee is asked to:

- i. approve the establishment of a Joint Employee Relations Board (JERB), and the proposed terms of reference set out in Appendix A, attached; which will replace the existing EJCC arrangements,
- ii. approve the introduction of the arrangements following the beginning of the municipal year 2009/10, (1<sup>st</sup> July 2009)
- iii. note the proposals for the streamlining/strengthening of other employee relations meetings as set out in the report recently submitted to the EJCC (attached as Appendix B);

**Summary**

As part of the Business Transformation brief, Corporate Employee Relations was asked to look at Corporate Meetings with a view to making them more efficient. This was endorsed by the Council's Strategic Leadership Team.

## **The significant issues in the report are:**

1. Improving the efficiency/effectiveness of consultative meetings within the Council
2. Effective timetabling of meetings to avoid duplication of issues.
3. Adopting the revised employee relations meetings framework, including the introduction of specific policy and corporate project meetings (Appendix C refers).
4. A reduction in the number of TU Officer meetings. TU officer will be scheduled quarterly initially to address any issues which may not have a natural route through DJCCs, the Board etc. The Service Director: Strategic HR & WS has confirmed that he will attend these meetings, in accordance with the revised proposals set out in this report. If there are no agenda items the meeting will be cancelled.
5. An enhancement of the role of directorate JCC's, where there will be a greater emphasis in resolving issues, without referring them to the JERB. The recently approved HR Business Partners will have a key role in organising meetings, agreeing agendas, and ensuring that this process operates effectively.
6. Proposed reduction in membership/attendance levels to make meetings more efficient (see paragraph 4.1).
7. That the proposals are trialled for an initial period of one year, following which they will be jointly reviewed by the Joint Secretaries, with a view to submitting a progress report to this Committee.

## **1. Policy**

- 1.1 There is a standing Constitution and Membership agreement in place for the Employee Joint Consultative Council (at one time referred to as the Corporate Joint Consultative Council).
- 1.2 The EJCC fulfils the Council's obligation to meaningfully consult and it is our intention to ensure that effective corporate consultation continues. This function will transfer to the new JERB with effect from the annual meeting of this Committee.

## **2. Consultation**

### **2.1 Internal**

The Trade Unions and the EJCC have been consulted on the proposals at 2 dedicated meetings and subsequently at the TU Officer and EJCC meetings. The Trade Union views expressed to date regarding this proposal are highlighted in Paragraph 5 below.

### **2.2 External**

N/A

## **3. Context**

- 3.1 This review aims to enable the JERB meeting to operate more efficiently by ensuring that the emphasis is placed upon strategic and corporate consultative issues. Directorate specific issues should not be referred to the JERB other than in exceptional circumstances, as jointly agreed agenda items. Agenda items will be agreed at the pre-agenda meeting by the two Joint Secretaries and times will be scheduled for each agenda item.
- 3.2 This will enable the JERB to provide a forum within which the Council and Trade Unions can meaningfully consider and respond to strategic and corporate issues which are not specific to one directorate, and/or have not been resolved through separate “policy” and “corporate project” meetings.
- 3.3 The existing EJCC Constitution has been simplified and amended to reflect the new JERB (see Appendix A). Please note that policy issues will no longer be considered by the EJCC to avoid duplication where it is intended that these will be considered by HR Committee, rather than being approved under Head of Paid Service Delegated powers.
- 3.4 The existing membership provides for:
- Two executive members (HR and CYPS)
  - Five Councillors from Scrutiny/HR Committee
  - Two Joint Secretaries (one from TU and Management Sides)
  - 24 Members from Single Status and Craft Unions
  - 8 Members from Teacher Trade Unions
- 3.5 The H&S proposal suggests a core membership of 9, with officers and other TU representatives attending for items as appropriate. It is

recognised that H&S is a statutory function which is in essence different from Employee Relations, and will not, therefore, operate in the same way.

- 3.6 The importance of political membership of the JERB is accepted, and it is proposed to maintain a membership of 5 Councillors, one of whom will be an Executive Member. Similarly there needs to be a Secretary for the TU Side and the Management Side to discuss/agree agenda items to be scheduled for consideration by the Board.
- 3.7 Employee Relations believes that the pre-agenda meeting between the Employee Side Secretary and other nominated Trade Union representatives should continue in order to ensure that only agenda items which are unresolvable at the lowest possible level are considered by the Committee.
- 3.8 In establishing the new Board, it is considered that 24 TU representatives is excessive. The existing trade union membership for EJCC has been reviewed with the Trade Unions and as a consequence of a number of amalgamations membership will be allocated to the three single status TUs (GMB, UNITE, UNISON) and the Teaching Unions.
- 3.9 The Employers Side Secretary, in conjunction with the HR Business Partners, will be responsible for the timing of directorate JCC meetings, which need to be tied in with these revised arrangements.

#### **4. Proposal**

- 4.1 A core membership of 13 Trade Union Representatives is proposed for the JERB, to be distributed amongst TUs with Corporate Facility Time (3 for UNITE, 3 for UNISON, 2 for GMB and one representative from each of the 5 recognised Teacher Trade Unions). Additional TU representatives may attend for specific agenda items with the agreement of the Joint Secretaries. Similarly, the Joint Secretaries will approve representatives occasionally observing meetings for developmental purposes.
- 4.2 As the revised level of TU Board membership is higher than its JHSB counterpart, it is not considered appropriate to create the JERB and run it in tandem with the EJCC on a pilot basis. The Service Director: HR & WS, is of the view that this level of membership should be included in the review if the of the Board, to see whether it could be reduced in

2010/2011 to one representative per trade union.

- 4.3 The pre-agenda Board meetings should allocate time to discuss and (ideally) agree items which don't need to go to Board meetings.
- 4.4 Directorate JCCs will be revised alongside these proposals. Greater emphasis will be placed upon: -
- the role of the HR Business Partner on behalf of management and TU's in achieving solutions at this level
  - providing an effective way of discussing/responding to the implications of corporate/strategic HR issues, upon the directorate concerned (e.g. corporate projects like NWOW)
  - dealing with the type of operational issues which may have occasionally been discussed at the monthly ER/TU & EJCC meetings.
- 4.5 TU's will be encouraged to resolve queries as and when they arise with management or HR as appropriate, rather than wait for formal meetings.

## **5. Other Options Considered**

- 5.1 The Council could retain existing arrangements. The TU side have argued that allowing large numbers of their members to attend provides a development opportunity. Equally, it equates to large numbers of resources attending meetings. The developmental opportunity will not be lost as TUs will still be able to request that TU reps attend a meeting for developmental reasons rather than attend every meeting. The proposed strengthening of Directorate JCC's will ensure that the Council's consultative arrangements are not made less effective by virtue of these proposals.
- 5.2 There is no intention to reduce the number of Councillor members for the new Board.
- 5.3 At the recent EJCC meeting, the TU Side suggested that the number of TU representatives attending should be on the basis of the size of membership. We considered this option, however, we found that a large number of Trade Unions have already merged. Although we have in the past requested membership figures, we have not always been provided with these. The Employers Side Secretary considers that it was important that each of the recognised statutory trade unions have the opportunity to represent their members, hence the proposed

attendance figures.

## **6. Risk Assessment**

- 6.1 This is a revision of existing arrangements which will be monitored and formally reviewed after a year. The proposals take account of issues raised by the Trade Unions and the Employers Side Secretary does not consider that there is any risk.

## **7. Equalities Impact Assessment**

- 7.1 We do not believe this is applicable as this is not a project impacting upon service provision or policy development.

## **8. Legal and Resource Implications**

### **Legal**

“There are no direct legal implications arising from this report. The report details the revised process which will apply to corporate consultation within the Council. The Joint Employee Relations Board will ensure continued compliance with the Council's obligation to enter into meaningful consultation in respect of Employee Relations matters.

(Legal advice provided by Husinara Islam for Head of Legal Services)

### **Financial**

#### **(a) Revenue**

“There are no quantifiable financial implications arising from this report the purpose of which is to replace the existing Employee Joint Consultative Council (at one time referred to as the Corporate Joint Consultative Council) with a new Joint Employee Relations Board (JERB). However, it is believed that the proposed reduction in membership/attendance levels will make meetings more efficient. If this efficiency is achieved then cost benefits should follow.”

#### **(b) Capital**

Not Applicable.

(Advice from Stephen Skinner, Head of Finance, CSS and Chief

Executive Depts).

**Land**

Not Applicable.

**Personnel**

As set out in paragraphs 4.1 to 4.5 and Appendix A.

**Appendices:**

Appendix A - New Constitution for the Joint Employee Relations Board

Appendix B - Paper recently considered by EJCC clarifying arrangements for Corporate meetings.

Appendix C - Schedule of meetings

Appendix D - Draft Joint Consultative Committee Terms of Reference (for information pending consultation)

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT 1985**

**Background Papers:**

None

**BRISTOL CITY COUNCIL**

**JOINT EMPLOYEE RELATIONS BOARD**

**2009/10**

**Role**

The role of this Board is to provide a forum within which the Council and Trade unions can meaningfully consider and respond to issues such as:

1. strategic and corporate issues raised by both the Employers and Trade Unions which are not specific to one Council Department
2. the implementation of matters (in relation to local circumstances) which have been prescribed or recommended at national, provincial or other agreed local level.
3. exceptionally, and by agreement between the Joint Secretaries, matters unresolved at Directorate JCC level

**Membership**

The Board will comprise the following:

**Employers Side**

Five councillors from Scrutiny/HR Committee (reflecting political balance of the Council), one of whom will be an Executive Member

The Employers Side Secretary + the Service Director: Strategic HR + WS

**Trade Union Side**

8 members from the TU Side (3 UNISON, 3 UNITE, 2 GMB) and one representative for each of the 5 from the Teacher and Head Teacher Trade Unions.

**Joint Secretaries**

There shall be one Employer Side and one Trade Union Side Secretary who will agree what matters/items should be referred to the Committee. The Joint Secretaries will also allocate time scheduling of agenda items.

NB: Officers and Trade Unions without membership to the Committee may request attendance at a future meeting to address the Committee for a specific agenda item. Attendance will be approved by the Joint Secretaries.



### Clerk to the Committee (non-voting)

The clerk to the committee will be an officer from Democratic Services.

### **Quorum**

A quorum will consist of:

- 3 members of the Employer Side, two of whom must be Councillors
- 4 members of the TU side

### **Substitution**

Substitution is permitted, subject in the case of the Employers Side to an Executive Member substituting for the Executive Members and Scrutiny Members, for other scrutiny members only.

Notice of substitution will be given to the Clerk at least 1 day prior to the meeting.

### **Frequency of Meetings**

Meetings shall take place quarterly. Special meetings may be convened by agreement between the Joint Secretaries, subject to the basic requirements for quorum being satisfied.

### **Voting**

Where there is a potential disagreement between or within the Employers and the TU Side of the Board (e.g. referral of an issue to the HR Committee), the Constitution provides for both sides to vote separately on matters. Voting rights on NJC issues will only apply to the single status unions. Voting rights on issues affecting Teachers will only apply to Teaching Trade Unions.

In the event that there is not a majority on each side in favour of a proposal, a “failure to agree” will be recorded.

### **Annual Review**

The appropriateness of this constitution will be monitored and subject to review annually.

### **Linkages with other consultative Arrangements**

As set out in the Schedule of Meetings (Appendix C: HRC Report May 2009)

**BRISTOL CITY COUNCIL**

**EMPLOYEE JOINT CONSULTATIVE COMMITTEE**

**THURSDAY 26<sup>th</sup> MARCH 2009**

**Report Title: Review of Meetings**  
(Report of the Employer's Side Secretary)

**Purpose of Report:**

To brief the Committee on progress in the 'review of Corporate meetings' and receive feedback on the proposals contained within this report.

**Background**

As part of the Business Transformation Programme, Employee Relations were asked to review Corporate Meetings within the City Council with a view to ensuring that they are run efficiently. A paper was approved by the Senior Leadership Team late last year and circulated for information to this meeting in January.

Consultation has taken place with the Trade Union Side on existing meetings and proposals to make these more efficient.

**Current Situation**

A Schedule of Meetings is attached as Appendix C and shows the current/proposed frequency and the suggested Terms of Reference.

(A) Timetabling of Meetings

I believe we have some agreement with the Trade Union side that our programming/scheduling of meetings is not effective. For example, in four months of the year we can be holding CX/TU, TU Officer and EJCC in the same week.

The Employer's Side Secretary is proposing that each of the above meetings are scheduled so that one meeting occurs in each month e.g. EJCC would take place in April, TU Officer might take place in May and CX/TU in June.

## (B) Terms of Reference

### **(i) EJCC**

With regard to the EJCC, the Employer's Side Secretary is proposing that this meeting focuses on:

- a) strategic and corporate issues and
- b) issues not resolved at departmental level (DJCC), after prior consideration at TU/Officer Employee Relations meetings

The Employer's Side Secretary is not proposing that EJCC consider policy issues given that policy consultation will follow the following format:

- Strategic HR Group (consisting of 2<sup>nd</sup> tier management representatives from each directorate), or occasionally consideration by SLT
- Policy Meetings (HR and Trade Unions)

If following consultation with the TUs we reach agreement, these policies may be signed off under delegated powers. In the event that we are unable to reach agreement and there is a clear dispute, representations may be made to HR Committee.

### **(ii) DJCC**

Remains broadly the same. However, Corporate Employee Relations will ensure that there will be greater consistency in ensuring that each DJCC considers reports around such issues as “vacancy management”, “sickness absence” and “PMDS” compliance, as well as individual directorate initiatives like 4<sup>th</sup> tier restructuring/ reviews.

### **(iii) Trade Union/Officer Employee Relations Meetings**

We had initially proposed that this meeting be discontinued on the basis that we felt issues raised over the last year would be signposted elsewhere e.g. DJCC, EJCC, HR Committee. However, to ensure consultation on any issues arising which may be outside of the new proposed arrangements, we are proposing to continue with the TU Officer meeting on a quarterly basis to ensure that all issues are addressed. If there are no agenda items the meeting will be cancelled.

The Trade Union Side has requested that the Head of HR attend TU Officer, as he previously did, to respond to strategic queries from the TU Side. The now Service Director: Strategic HR/WS has indicated that he will attend this meeting providing that Employee Relations consultative meetings in the Council have clear scope, agreed revised Terms of Reference, and reasonable membership levels, which will make the Council more effective/businesslike.

#### **(iv) Chief Executive/Trade Union meeting:**

I also believe we have some agreement that the Chief Executive/Trade Union meeting should continue, albeit quarterly and that the issues for discussion should be of a Strategic and Corporate nature.

The Trade Unions have requested that the Leader of the Council also attend these meetings. This request has been considered by the Chief Executive, but is not supported, on the basis that these meetings are “information sharing” and are not part of the Council's consultative framework.

#### **(v) Policy Meetings**

The Trade Union/Officer meetings were originally established to enable meaningful consultation with the Trade Unions on Policy related issues. The scope over the years has widened somewhat. The Employer's Side Secretary is therefore proposing that we have dedicated Policy meetings.

#### **(vi) Project Consultation Meetings**

These will continue on an ad-hoc basis as required, eg, Transformation, Excellence for All, New Ways of Working etc.

#### **(C) Membership**

The membership of all meetings is currently the subject of consultation with the Trade Unions. The changes proposed by the management side are as follows:

EJCC - there are currently 24 nominated representatives from the TU Side, we propose that this should be around 13 (3 for UNISON, 3 for UNITE, 2 for GMB and 1 for each of the 5 Teacher TUs). Councillor representation, the Chair and TU/Management Secretaries will remain unchanged. We also propose that trade union representatives may attend for a specific item for which they have specific knowledge.

TU Officer Employee Relations Meetings - there are currently 25 nominated representatives from the TU Side. We would propose similar TU representation arrangements as above (EJCC).

Policy Meetings - proposal similar to EJCC.

#### **Consultation**

Consultation has taken place with the Senior Leadership Team and is on-going with the Trade Union Side. An update will be given at the

meeting.

## **Review**

It is proposed that this new arrangement commence after the annual meeting of this Committee (July 2009), and be the subject of a joint review (management/TU) following a 12 month period.

## **Appendices**

Appendix C - Schedule of Meetings

**Recommendation - The report be noted.**

**Contact:** Jill Mikkelson, Employer's Side Secretary  
Rachel Yabsley, Employee Relations Manager

## SCHEDULE OF MEETINGS

Meeting	Current Frequency	Proposed Frequency	Information or Consultation	Suggested Terms of Reference
Chief Executive Briefing	6 weekly	Quarterly	Briefing	Strategic and Corporate issues. Informal discussion, papers circulated if required, action points minuted as appropriate. Not a consultative meeting.
Employee Joint Consultative Committee	Quarterly	Quarterly	Consultation and information exchange	To consider strategic and corporate issues and issues not resolved at departmental level. NB: The membership of EJCC to be determined. Consideration given to arrangements as per H&S Board.
Departmental Joint Consultative Committee (NB: one meeting per department)	Quarterly	Quarterly	Information and Consultation	Forum for management and trade unions to exchange information and views. Provide a formal consultative process on departmental proposals which have an impact upon departmental employees and current employee relations matters
(i) Policy Meetings	N/A	Monthly	Consultation	Forum for HR and TUs to discuss/agree/debate key policy changes, or corporate initiatives
(ii) Corporate Project Meetings	Ad-hoc	Ad-hoc	Consultation	NB: Membership to be nominated TU representatives
Trade Union/Officer (Employee Relations) Meetings	Monthly	Quarterly	Consultation and Information Exchange	To be determined, in accordance with Service Director: Strategic HR/WS is being involved

Matters currently dealt with at Trade Union Officer meetings to be considered as follows:

- \* Information items sent directly to corporate union representatives or to EJCC as appropriate.
- \* Policy consultation to be undertaken as policy development occurs. Signed off under delegated powers; to HRC if not agreed.
- \* Queries regarding corporate policy to be referred to the Policy Officer.
- \* TU issues to be raised at departmental level or at EJCC if appropriate.

**DRAFT CONSTITUTION  
(for Information Pending Consultation)**

**TERMS OF REFERENCE  
DEPARTMENTAL JOINT CONSULTATIVE COMMITTEE (DJCC)**

**Purpose**

The purpose of the DJCC is to enable effective working partnerships between management and trade union representatives by: sharing information and advice; and providing clear outcomes for developing and improving working practice, and service delivery.

**Scope**

The scope of the DJCC is to:

1. Provide a framework for the exchange of information and views.
2. Provide a forum for the recognised trade unions to submit their views to management as part of the formal consultative process in relation to:
  - (a) reports/proposals which have an impact upon employees
  - (b) current employee relations matters
3. Consider personnel monitoring information.
4. Consider departmental collective disputes lodged by the trade unions, in accordance with the Council's Disputes Procedure, prior to them being referred to the Chief Officer concerned and thereafter (if not resolved) to the Director of Central Support Services.
5. Consider local agreements, working conditions, changes in BCC personnel policies/procedures and other similar matters relevant to directorate.
6. Consider budget proposals and annual action/performance plans where these have personnel implications.

7. Consider proposed changes in office/work accommodation in accordance with the Council's Code of Practice. NB: Health and Safety issues should be considered by the Departmental Safety Committee (DSC).
8. Refer issues, which have not been resolved at DJCC to sub joint consultative committee where appropriate.
9. Refer to employee relations matters which have not been resolved at DJCC level, to the corporate JCC for consideration.

## **Membership**

*The HR (and where appropriate) the Finance Business Partner, and other designated management representatives, as determined by the Director of XXXXXXXXXXXX. TU membership, which should reflect the trade union membership within the directorate concerned, to be the subject of consultation with Departments and TU Representatives.*

## **Frequency of Meetings**

*Quarterly, as determined by the Head of Directorate.*

## **Administrative Arrangements**

*Agenda items will be submitted by management and the trade unions to the HR Business Partner. A note of the meeting, attendees, and outcomes will be produced and circulated to the agreed circulation list for the next meeting.*